

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

October 24, 2005

IN RE:)	
)	
NOTICE OF ELECTION OF INTERCONNECTION)	DOCKET NO.
AGREEMENT OF KMC DATA LLC OF ITS)	05-00067
ADOPTION OF THE INTERCONNECTION)	
AGREEMENT BETWEEN BELL SOUTH AND)	
LEVEL 3 COMMUNICATIONS, L.L.C.)	

ORDER WAIVING THIRTY-DAY FILING DEADLINE AND CLOSING DOCKET

This matter came before Chairman Ron Jones, Director Deborah Taylor Tate and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on August 22, 2005.

On March 10, 2005, KMC Data LLC ("KMC Data" or the "Company") filed a *Notice of Election of Interconnection* ("*Notice*") seeking TRA approval to adopt the Interconnection Agreement between BellSouth Telecommunications, Inc. and Level 3 Communications LLC. On June 2, 2005, KMC Data filed its request to withdraw the *Notice* without prejudice.

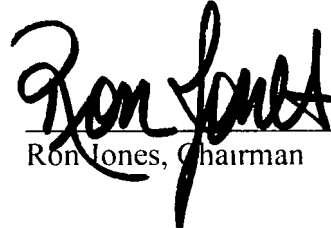
During a regularly scheduled Authority Conference held on June 27, 2005, the panel voted unanimously to accept the Company's request to withdraw the *Notice* and directed KMC Data to provide the Authority proof of its authorization to do business in the State of Tennessee within thirty (30) days.¹ As of August 12, 2005, KMC Data had not filed the required proof. As a result, the matter was noticed on the agenda for the regularly scheduled August 22, 2005

¹ *Order Accepting Withdrawal of Petition* (August 3, 2005)

Authority Conference² On August 17, 2005, KMC Data filed proof in Docket No. 01-00705 that it is properly registered with the Tennessee Secretary of State and authorized to do business in the State of Tennessee.³

Based on the foregoing, at the August 22, 2005 Authority Conference the panel voted unanimously to waive the thirty-day filing requirement, accept the documentation filed by KMC Data in Docket No. 01-00705 on August 17, 2005, and administratively close Docket No. 05-00067.

IT IS SO ORDERED.


Ron Jones, Chairman


Deborah Taylor Tate, Director


Sara Kyle, Director

² The matter was noticed for consideration of the appointment of a Hearing Officer to issue a show cause order in Docket No. 01-00705. KMC Data originally received its certificate of public convenience and necessity in that docket. See *In re Application of KMC Data, LLC for a Certificate of Public Convenience and Necessity as a Competing Telecommunications Service Provider to Provide Competitive Resold and Facilities-Based Local Exchange and Resold Interexchange Telecommunications Services Throughout the State of Tennessee*, Docket No. 01-00705, Initial Order Granting Certificate of Public Convenience and Necessity (January 29, 2002).

³ See *In re Application of KMC Data, LLC for a Certificate of Public Convenience and Necessity as a Competing Telecommunications Service Provider to Provide Competitive Resold and Facilities-Based Local Exchange and Resold Interexchange Telecommunications Services Throughout the State of Tennessee*, Docket No. 01-00705, Letter from H. LaDon Baltimore to Chairman Ron Jones (August 17, 2005).